

REMARKS

Claims 1-23 and 32-33 are pending in this application. Claims 24-31 have been withdrawn from examination. Applicants reserve the right to prosecute Claims 24-31 in continuing applications. Applicants request reconsideration of the species election requirement.

Species Election Requirement

Applicants appreciate the courtesy extended by the Examiner in her telephone conferences with Applicants' counsel on July 17 and 28, 2003.

The Requirement for Election of Species requests Applicants to elect a species of "the distinct ingredients of Claims 5, 8, 9, and 18." (Restriction Requirement, p.2). As requested, Applicants have provisionally elected the species of an oral dosage of a high molecular weight, lipophilic, bioactive agent, comprising an antioxidant (ingredient from claim 5), a lipid matrix, and reservatrol (ingredient from claim 8). Claims 1-8, 14-23, and 32-33 read on the elected species. As approved by the Examiner, Applicants have not selected an ingredient from claim 9 (because a polyphenol from claim 8 has been selected) or from claim 18 (because this claim adds a further element to the composition of claim 1 rather than an alternative).

Applicants also request reconsideration of the species election requirement. It would not be an additional burden to examine additional species comprising other distinct ingredients of Claims 5, 8, 9, and 18 because these species are encompassed within generic Claim 1. Hence a search for matter within Claim 1 would necessarily require a search of other species of Applicants' claimed invention. Moreover, Applicants have not claimed an unreasonable number of species.

Nonetheless, Applicants note that they will be entitled to consideration of claims to additional species upon the allowance of generic claims.

Respectfully submitted,

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